

1 **H. B. 4548**

2
3 (By Delegate Lane)

4 [Introduced February 14, 2014; referred to the
5 Committee on Education then Finance.]

6 **FISCAL**
7 **NOTE**

8
9
10 A BILL to amend and reenact §18C-7-6 of the Code of West Virginia,
11 1931, as amended, relating to requirements for PROMISE
12 scholarships; and expanding access to PROMISE scholarship
13 funds to persons majoring in STEM fields.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §18C-7-6 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 7. WEST VIRGINIA PROVIDING REAL OPPORTUNITIES FOR**
18 **MAXIMIZING IN-STATE STUDENT EXCELLENCE**
19 **SCHOLARSHIP PROGRAM.**

20 **§18C-7-6. Promise scholarship program requirements; legislative**
21 **rule.**

22 (a) A PROMISE scholarship annual award shall meet the
23 following conditions:

1 (1) For a student enrolled in a state institution of higher
2 education, the annual award is equal to the lesser of the cost of
3 tuition or \$4,750, except that a student who was awarded and used
4 a PROMISE scholarship annual award prior to January 1, 2010, shall
5 continue to receive the annual award calculated under the same
6 terms and conditions that applied on the day before the effective
7 date of this article;

8 (2) For a student enrolled in an eligible institution other
9 than a state institution of higher education, the annual award is
10 equal to, but may not exceed, the lesser of the cost of tuition or
11 \$4,750, except that a student who was awarded and used a PROMISE
12 scholarship annual award prior to January 1, 2010, shall continue
13 to receive the annual award calculated under the same terms and
14 conditions that applied on the day before the effective date of
15 this article;

16 (3) The annual award may exceed \$4,750, if the commission
17 determines that adequate funds are available, but in any case, may
18 not be greater than the actual cost of tuition;

19 (4) The annual award shall be used by an eligible institution
20 to supplement, but may not supplant, a tuition and fee waiver for
21 which the individual is eligible pursuant to section five, six-a,
22 seven or seven-b, article ten, chapter eighteen-b of this code;

23 (5) For each student enrolled in a state institution of higher
24 education, in a major which falls within the fields of science,

1 technology, engineering and mathematics, as determined by the
2 commission, the annual award covers full tuition, room and board.

3 (b) The total cost of all scholarships awarded by the
4 commission in any year may not exceed the amount of funds available
5 to the commission during that fiscal year.

6 (c) In order to be eligible to receive a PROMISE scholarship
7 award an individual shall:

8 (1) Submit a scholarship award application to the commission:

9 (A) Within two years of graduating from high school or within
10 two years of acquiring a general equivalency degree if provided
11 instruction in the home or other approved place pursuant to
12 subsection (c), section one, article eight, chapter eighteen of
13 this code; or

14 (B) Within seven years of initially entering military service,
15 and within one year of discharge from military service, if the
16 individual has entered the United States armed services within two
17 years after graduating from high school;

18 (2) Apply for and submit a Free Application for Federal
19 Student Aid;

20 (3) Maintain a grade point average of at least 3.0 on a 4.0
21 grading scale in the required core and elective course work
22 necessary to prepare students for success in post-secondary
23 education at the associate and baccalaureate degree levels as
24 determined by the commission, if the individual has completed not

1 more than one semester or term at an institution of higher
2 education, excluding credits earned in advanced placement,
3 international baccalaureate, dual credit and comparable courses
4 while the student is enrolled in high school;

5 (4) Maintain appropriate academic progress toward the
6 completion of a degree at the undergraduate education level as
7 determined by the commission if the individual has completed more
8 than one semester or term at an institution of higher education,
9 excluding credits earned in advanced placement, international
10 baccalaureate, dual credit and comparable courses while the student
11 is enrolled in high school;

12 (5) Be a United States citizen or legal immigrant to the
13 United States;

14 (6) Meet additional objective standards the commission
15 considers necessary to promote academic excellence and to maintain
16 the financial stability of the fund; and

17 (7) Enroll in an eligible institution. A student enrolled at
18 an eligible institution who receives a PROMISE scholarship award
19 may retain and renew the scholarship to complete his or her
20 undergraduate education at that institution or any other eligible
21 institution under the following circumstances:

22 (A) The institution at which the student is enrolled loses its
23 status as an eligible institution pursuant to the provisions of
24 subdivision (1), subsection (b), section three of this article; and

1 (B) The student meets all other renewal requirements of this
2 code and of commission rules.

3 (d) It is the intent of the Legislature that the commission
4 shall strongly encourage prospective candidates for the PROMISE
5 scholarship to perform at least twenty hours of unpaid community
6 service while in high school to help prepare them for success in
7 post-secondary education. The community service may include, but
8 is not limited to, participation with nonprofit, governmental or
9 community-based organizations designed with any or all of the
10 following purposes:

- 11 (1) Improving the quality of life for community residents;
- 12 (2) Meeting the needs of community residents; or
- 13 (3) Fostering civic responsibility.

14 (e) The commission shall promulgate a legislative rule in
15 accordance with the provisions of article three-a, chapter
16 twenty-nine-a of this code.

17 (1) The rule shall include at least the following provisions:

18 (A) The amount of a PROMISE scholarship award in combination
19 with aid from all other sources may not exceed the cost of
20 education at the institution the recipient is attending. This
21 provision does not apply to members of the West Virginia National
22 Guard, recipients of an Underwood-Smith teacher scholarship and
23 recipients of a West Virginia engineering, science and technology
24 scholarship;

1 (B) Additional objective standards the commission considers
2 necessary:

3 (i) To promote academic excellence;

4 (ii) To maintain the financial stability of the fund; and

5 (iii) To operate the program within the limits of available
6 funds.

7 (C) Provisions for making the highest and best use of the
8 PROMISE Scholarship Program in conjunction with the West Virginia
9 College Prepaid Tuition and Savings Program Act set forth in
10 article thirty, chapter eighteen of this code;

11 (D) A provision defining the relationship of PROMISE
12 scholarship awards to all other sources of student financial aid to
13 ensure maximum coordination. The provision shall include the
14 following:

15 (i) Methods to maximize student eligibility for federal
16 student financial aid;

17 (ii) A requirement that PROMISE scholarship awards not
18 supplant tuition and fee waivers; and

19 (iii) Clarification of the relationship between the PROMISE
20 Scholarship Program, tuition savings plans and other state-funded
21 student financial aid programs;

22 (E) A method for awarding scholarships within the limits of
23 available appropriations, including circumstances when program
24 funds are not sufficient to provide awards to all eligible

1 applicants. The commission may not use any of the following
2 methods:

3 (i) Providing for an annual PROMISE scholarship award that is
4 less than the amounts provided ~~for~~ in this section; or

5 (ii) Eliminating any current recipient from eligibility; and

6 (F) A method for applicants to appeal determinations of
7 eligibility and renewal.

8 (2) The rule may provide for or require the following at the
9 commission's discretion:

10 (A) Requiring repayment of the amount of the scholarship, in
11 whole or in part, if a scholarship recipient chooses to work
12 outside the state after graduation. The rule may not require a
13 recipient to repay a scholarship, in whole or in part, unless the
14 prospective recipient has been informed of this requirement in
15 writing before initial acceptance of the PROMISE scholarship award;

16 (B) Targeting a portion of the scholarship funds to be used
17 for applicants enrolled in an engineering, science, technology or
18 other designated program;

19 (C) Determining what other sources of funding for higher
20 education are to be deducted from the PROMISE scholarship award;
21 and

22 (D) Providing additional criteria as determined by the
23 commission.

24 (3) The Legislature finds that an emergency exists and,

1 therefore, the commission shall file a rule to implement the
2 provisions of this section as an emergency rule pursuant to the
3 provisions of article three-a, chapter twenty-nine-a of this code.
4 The rule is subject to the prior approval of the Legislative
5 Oversight Commission on Education Accountability.

6 (4) Any rule promulgated by the commission pursuant to
7 previous enactments of this article in effect on the effective date
8 of the amendment and reenactment of this article in the year 2009
9 remains in effect until amended, modified, repealed or replaced by
10 the commission.

NOTE: The purpose of this bill is to expand access to PROMISE scholarship funds to persons majoring in STEM fields.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.